

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHE BENSMINE,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

21-CV-04816 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

The Court is in receipt of the Plaintiff's motion (ECF No. 104) and the parties' letters (ECF Nos. 105, 106, 107.)

To the extent Defendants seek to stay discovery, the request is DENIED. *See* ECF No. 107 at 2. Defendants previously moved to stay discovery pending the resolution of Defendants' motion for judgment on the pleadings. ECF No. 85. The Honorable Lewis J. Liman denied the motion for a stay on August 15, 2022. ECF No. 99. Defendants write that they intend to "renew their application to stay discovery in this matter pending resolution of defendants' 12(c) Motion." ECF No. 107 at 2. Local Civil Rule 6.3 requires that any "motion for reconsideration . . . or a court order determining a motion shall be served within fourteen (14) days after the entry of the Court's determination of the original motion" Local Civ. R. 6.3. Over two months have passed since Judge Liman's decision on the prior motion to stay. ECF No. 99. (denying the request to stay discovery and noting that "Defendants have dragged their feet in responding to Plaintiff's claim").

Notwithstanding, "[a] motion for reconsideration under Local Civil Rule 6.3 will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *McGraw-Hill Glob. Educ. Holdings, LLC v. Mathrani*, 293

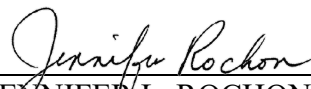
F. Supp. 3d 394, 397 (S.D.N.Y. 2018) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)) (internal quotations omitted). Even if Defendants' request to reconsider the denial of the request to stay discovery was timely, which it is not, Defendants have not articulated any overlooked caselaw or facts. Accordingly, the motion is DENIED.

Plaintiff's request for an extension of time to reply to Defendants' Motion for Judgment on the Pleadings (ECF No. 91) is GRANTED in part. Plaintiff shall respond to Defendants' motion by **November 15, 2022**. Defendants shall reply by **December 15, 2022**.

By separate order, this case shall be referred to the assigned Magistrate Judge for General Pre-Trial oversight, including consideration of the proposed Case Management Plan.

Dated: October 19, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge